IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. OF 2007
IN
EXECUTION APPLICATION NO.11 OF 2007
IN
SUMMARY SUIT NO.2050 OF 2003

Fortis Financial Service Ltd. ....Plaintiff
V/s.
Dilip Kumar Ray ....Defendant
And
State Bank of Saurashtra ....Applicant

Mr.Jatin Sanghani for the Plaintiff.

Mr.Sunil Purohit i/b M/s.Negandhi, Shah & Himayatullah for the Applicant.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH SEPTEMBER, 2007.

P.C. :

Mentioned, not on board.

2. Leave under Rule 127 of the High Court of Judicature at Bombay (O.S.) 1980 granted to the Plaintiff to take out a Chamber Summons in terms of the draft Chamber Summons handed in, returnable forthwith.

3. The Applicant, State Bank of Saurashtra, a subsidiary of the State Bank of India has also taken

steps under Section 13 of the Securitization Act for sale of the property which has been attached in execution pursuant to the orders of this Court. The sale to be conducted by the Applicant is scheduled to be held at 2.00 p.m. today.

4. The Applicant claims to be the mortgagee in respect of the property proposed to be sold. The Plaintiff/Judgment creditor is an unsecured creditor also so far as the said property is concerned. No prejudice would be caused by the order I intend passing, to the Plaintiff in any event. The Plaintiff’s aim is also to have the property sold.

5. In the circumstances, the Applicant is at liberty to proceed with the proposed sale. The same shall however not be confirmed till further orders.

6. S.O. to 1.10.2007 for further orders.

. All parties to act on an ordinary copy of this order duly authenticated by the Associate/Private Secretary of this Court.